(3)

Office

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3026 /2003

PETITIONER : Chandra Mani Mishra, S/o Late Shri S. S. Mishra, L.D.C., Assistant Grade-II, B.E.O. Officer, R/o Gulab Colony Gandhi Chowk Ambikapur(C.G.).

- Versus-

RESPONDENTS : 1. State of Chhattisgarh, Through the Secretary, Aadim Jati Tetha Anusuchit Jati Vikas Vibhag, Mantralaya, D.K.S. Bhawan, Shastri Chowk, Raipur (C.G.)

2. Commissioner, Aadim Jati Tetha Anusuchit Jati Vikas Vibhag, Raipur (C.G.).

3. Under Secretary, Aadim Jati Tetha Anusuchit Jati Vikas Vibhag, Raipur.

P. R. No. 29.12.03
Presented by Shri K.T. Modi
dated 29.12.03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR EXTENSION OF TIME TO MOVE REPRESENTATION.

Details of the petition.

XI-HC-22

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3026/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	01.11.2003 Shri Prashant Jayaswal, counsel for the petitioner. Shri Ranbir Singh Marhas, Govt. Advocate for the State/ respondents. Heard both the counsel. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 03.09.2003 by which he has been transferred from Surguja to Korea. The petitioner is working as Assistant Grade-II in the Office of the Vikas Khand Shiksha Adhikari, Ambikapur, Sarguja. The petitioner's case is that he was working as Assistant Grade-II in the Office of the Vikas Khand Shiksha Adhikari, Ambikapur and vide order dated 01.07.2003 he was transferred from Ambikapur (Surguja) to Assistant Commissioner's Office, Korea and again his transfer order was cancelled vide order dated 04.08.2003 and he was transferred to Ambikapur. But to utter surprise of the petitioner vide order dated 03.09.2003 he has again been transferred to Korea. Therefore, this exercise cannot be termed as transfer in administrative exigency and this is a matter of frequent transfer. The learned counsel for the petitioner submitted that earlier order dated 04.08.2003 was issued after obtaining the approval of the Chief Minister as per the policy guidelines No.5 dated 15.05.2002, whereas, the order dated 03.09.2003 has been issued without the concurrence of the Chief Minister. Therefore, on this ground also the transfer order is bad, arbitrary and not in public interest. He further submitted that the petitioner may be allowed to	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

आदेश पत्रक

मामला क्रमांक W.P.3026/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

make a representation raising all his grievance to respondent No.3 to which the learned Government Advocate has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, mentioned above as the petitioner has been transferred thrice within a period of two months and moreover, the petitioner has alleged that the present transfer has been effected without the approval of the Chief Minister in breach of the transfer policy, in the given circumstances, the petitioner is allowed to make a representation to respondent No.3 within ten days from today raising all her grievances and in turn, respondent No.3 shall decide the representation within thirty days from the date of receipt of the representation, in an objective manner with a reasoned order. Till then, the petitioner should not be relieved, if already not relieved.

With the above observations and directions the petition stands disposed of.

Consequently, M.(W.)P.No.2772/2003 and I.A.No.8977/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Soma

[पीछे देखिये